

78B-9-302 Effect of petition for postconviction DNA testing -- Requests for appointment of counsel -- Appeals -- Subsequent postconviction petitions.

- (1) The filing of a petition for DNA testing constitutes the person's consent to provide samples of body fluids for use in the DNA testing.
- (2) The data from any DNA samples or test results obtained as a result of the petition may be entered into law enforcement DNA databases.
- (3) The filing of a petition for DNA testing constitutes the person's waiver of any statute of limitations in all jurisdictions as to any felony offense the person has committed which is identified through DNA database comparison.
- (4) The person filing the petition for postconviction DNA testing bears the cost of the testing unless:
 - (a) the person is serving a sentence of imprisonment;
 - (b) the person is indigent; and
 - (c) the DNA test is favorable to the petitioner.
- (5)
 - (a) Subsections 78B-9-109(1) and (2), regarding the appointment of pro bono counsel, apply to any request for the appointment of counsel under this part.
 - (b) Subsection 78B-9-109(3), regarding effectiveness of counsel, applies to subsequent postconviction petitions and to appeals under this part.

Renumbered and Amended by Chapter 3, 2008 General Session